

## REMARKS

Claims 15-27, 33-40, 44-47 and 49 are pending. By this Amendment, Claims 15, 21, 34 and 49 are cancelled without prejudice and Claims 16-19, 22-27 and 35-40 are amended, thereby leaving Claims 20, 33 and 44-47 unchanged. Applicants gratefully acknowledge the Examiner's indication that Claims 17-18, 23-24 and 36-37 include allowable subject matter.

Allowable original Claim 17 has been rewritten into independent form to include the limitations of base claim. Accordingly, new independent Claim 17 is allowable. Dependent Claims 19-20 depend from Claim 17 and are allowable for the same and other reasons.

Allowable original Claim 18 has been rewritten into independent form to include the limitations of base claim. Accordingly, new independent Claim 18 is allowable.

Allowable original Claim 23 has been rewritten into independent form to include the limitations of base claim. Accordingly, new independent Claim 23 is allowable. Dependent Claims 25-27 depend from Claim 23 and are allowable for the same and other reasons.

Allowable original Claim 24 has been rewritten into independent form to include the limitations of base claim. Accordingly, new independent Claim 24 is allowable.

Allowable original Claim 36 has been rewritten into independent form to include the limitations of base claim. Accordingly, new independent Claim 36 is allowable.

Allowable original Claim 37 has been rewritten into independent form to include the limitations of base claim. Accordingly, new independent Claim 37 is allowable. Dependent Claims 35 and 38-40 depend from Claim 23 and are allowable for the same and other reasons.

## Objection to the Specification

The Examiner objected to the title. Applicants have amended the title as suggested by the Examiner and, therefore, respectfully request withdrawal of the objection to the title.

## Continuity Claim Under 35 U.S.C. § 120

On December 15, 2003, Applicants filed a Request for Corrected Filing Receipt, requesting correction of the filing receipt to include the correct priority data. On January 21, 2004, the U.S. Patent Office issued a Response to Request for Corrected Filing Receipt ("the Response") denying Applicants request. Specifically, the Response stated that "continuity claimed under 35 U.S.C. § 120 cannot be added to the filing receipt without the applicant

supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data sheet or amendment to the first sheet of the specification.”

In the present Amendment, Applicants have amended the first page of the specification as requested. No new matter is added by the amendments. Applicants hereby request correction of the filing receipt for the present application to include the correct priority data.

#### **35 U.S.C. §112, 2<sup>nd</sup> ¶, Rejection**

Claim 15 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In order to place the application in a condition for allowance, Applicants have cancelled Claim 15 without prejudice, and, therefore, this rejection is moot. Applicants reserve the right to re-present Claim 15 and to address the Examiner’s rejection in detail in a continuation application.

#### **35 U.S.C. § 102(b) Rejections**

Claims 15-16, 19-22, 25-27, 33-35, 38-40 and 44-47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,280,229 (“Faude”). Reconsideration of the rejections is respectfully requested.

Applicants have cancelled Claims 15, 21, 34 and 49 without prejudice. Applicants have amended Claims 16 and 19, without prejudice, to change their dependency so that Claims 16 and 19-20 depend from allowable Claim 17. Also, Applicants have amended Claims 22 and 25-27, without prejudice, to change their dependency so that these claims depend from allowable Claim 23. In addition, Applicants have amended Claims 35 and 38-40, without prejudice, to change their dependency so that these claims depend from allowable Claim 37. Applicants reserve the right to re-present these rejected claims and similar claims and to address the Examiner’s rejections in detail in a continuation patent application.

Claim 33 defines an adapter for use with an electrical component and a battery, the electrical component including a component housing, the battery being electrically connectable to the electrical component to transfer power between the electrical component and the battery, the battery defining a battery insertion portion, the adapter comprising an adapter housing separate from and connectable between the battery and the component housing to support the battery on the component housing, and an adapter electrical assembly electrically connectable

between the electrical component and the battery to selectively transfer power between the electrical component and the battery.

Claim 33 specifies that the component housing defines a component projection and a component groove, and that the adapter housing includes an adapter projection and an adapter groove, the component projection being engageable with the adapter groove and the adapter projection being engageable with the component groove to support the adapter on the component housing along an adapter attachment axis and that the adapter housing further includes an adapter opening defining an opening axis generally parallel with the adapter attachment axis, the battery insertion portion being insertable into the adapter opening along the opening axis to connect the battery to the adapter housing.

Claim 33 further specifies that the electrical component is a battery charger including a charger housing and a charging circuit electrically connectable to a power source, and that the charging circuit is electrically connectable with the battery to selectively supply power to the battery to charge the battery, and that the adapter is connectable between the charger housing and the battery to support the battery on the charger housing.

Faude discloses a universal storage battery charging system having an electronic module 10 and interchangeable adapter inserts 11a, 11b, 11c, 11d. The electronic module 10 includes a recharging circuit 50 having a transformer and a rectifier. The electronic module 10 also defines an accommodating channel 12 for selectively receiving the adapter inserts 11a, 11b, 11c, 11d and contacts 13a, 13b for selectively electrically connecting the adapter inserts 11a, 11b, 11c, 11d to the recharging circuit 50. The adapter inserts 11a, 11b, 11c, 11d define respective charging channels 15a, 15b, 15c, 15d for receiving different storage batteries 17a, 17b, 17c.

Faude does not teach or suggest, among other things, a component housing that defines a component projection and a component groove. Faude also does not teach or suggest an adapter housing including an adapter projection and an adapter groove, the component projection being engageable with the adapter groove and the adapter projection being engageable with the component groove to support the adapter on the component housing. Rather, Faude discloses an accommodating channel 12 extending through the electronic module 10 for selectively receiving the adapter inserts 11a, 11b, 11c, 11d. Moreover, “[t]he channel 12 has a continuous, uniform shape for each basic device and into which the external dimensions of the respective interchangeable adapter inserts 11a, 11b, 11c, 11d....fit flush”. See col. 4, lines 43-46.

For these and other reasons, Faude does not teach or suggest all the claim limitations of independent Claim 33. Accordingly, independent Claim 33 is allowable.

Claim 44 recites a method of assembling an electrical combination, the electrical combination including a tower-style battery charger configured to receive a tower-style battery in a charger opening, a slide-on battery including a battery support portion, and an adapter separate from and connectable between the tower-style battery charger and the slide-on battery to support the slide-on battery on the tower-style battery charger and to electrically connect the slide-on battery with the tower-style battery charger, the adapter including an insertion portion compatible with the charger opening and an adapter support portion compatible with the battery support portion, the method comprising the acts of engaging the adapter support portion and the battery support portion to support the slide-on battery on the adapter, and inserting the insertion portion into the charger opening to support the adapter on the tower-style battery charger.

Faude does not teach or suggest, among other things, a slide-on battery including a battery support portion, and an adapter separate from and connectable between the tower-style battery charger and the slide-on battery to support the slide-on battery on the tower-style battery charger and to electrically connect the slide-on battery with the tower-style battery charger. Faude also does not teach or suggest the act of engaging the adapter support portion and the battery support portion to support the slide-on battery on the adapter. Rather, Faude discloses elongated storage batteries 17a, 17b, 17c, each of which has a substantially constant ovular cross sectional along its length. Each of the elongated storage batteries 17a, 17b, 17c is axially engageable in a correspondingly shaped accommodating channel 12 having a substantially constant ovular cross sectional along its length.

For these and other reasons, Faude does not teach or suggest all the claim limitations of independent Claim 44. Accordingly, independent Claim 44 is allowable. Claim 45 depends from independent Claim 44 and is allowable for the same and other reasons.

Claim 46 recites a method of assembling an electrical combination, the electrical combination including a slide-on battery charger configured to receive a slide-on battery, the slide-on battery charger defining a charger support portion, a tower-style battery including an insertion portion, and an adapter separate from and connectable between the slide-on battery charger and the tower-style battery to support the tower-style battery on the slide-on battery charger and to electrically connect the tower-style battery with the slide-on battery charger, the

adapter defining an opening along an opening axis, the adapter further including an adapter support portion, the method comprising the acts of inserting the insertion portion of the tower-style battery in the opening of the adapter to support the tower-style battery on the adapter, and engaging the adapter support portion and the charger support portion to support the adapter on the slide-on battery charger.

Faude does not teach or suggest, among other things, a slide-on battery charger configured to receive a slide-on battery. Faude also does not teach or suggest an adapter separate from and connectable between the slide-on battery charger and the tower-style battery to support the tower-style battery on the slide-on battery charger and to electrically connect the tower-style battery with the slide-on battery charger. In addition, Faude does not teach or suggest the act of engaging the adapter support portion and the charger support portion to support the adapter on the slide-on battery charger. Rather, Faude discloses elongated storage batteries 17a, 17b, 17c, each of which has a substantially constant oval cross sectional along its length. Each of the elongated storage batteries 17a, 17b, 17c is axially engageable in a correspondingly shaped accommodating channel 12 having a substantially constant oval cross sectional along its length.

For these and other reasons, Faude does not teach or suggest all the claim limitations of independent Claim 46. Accordingly, independent Claim 46 is allowable. Claim 47 depends from independent Claim 46 and is allowable for the same and other reasons.

#### **Obviousness-Type Double Patenting Rejections**

Claims 15-27 and 34-40 of the present application stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-41 in Applicants' prior U.S. Patent No. 6,525,511 (the "511 Patent") in view of Faude. In addition, Claim 33 of the present application stands rejected under obviousness-type double patenting as being unpatentable over Claims 1-8 in Applicants' prior '511 Patent. Claims 44-47 and 49 of the present application stand rejected under obviousness-type double patenting as being unpatentable over Claims 20 and 21 in Applicants' prior U.S. Patent No. 6,621,246 (the "246 Patent")

In order to further prosecution of the present application, without admitting that the '511 Application or the '246 Patent encompass the same subject matter as the present application and without admitting that the subject matter of the provisionally rejected claims is obvious over the

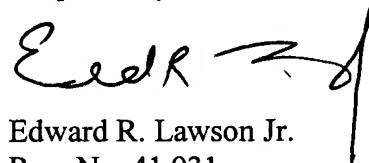
‘511 Patent or the ‘246 Patent, alone or in combination with Faude, a terminal disclaimer in accordance with 37 C.F.R. §1.321(a) has been filed with this paper to overcome these rejections. Accordingly, reconsideration of the double patenting rejections is respectfully requested.

**CONCLUSION**

In view of the foregoing, Applicants respectfully request entry of the Present Amendment and allowance of Claims 16-20, 22-27, 33, 35-40 and 44-47.

During normal business hours, the undersigned and Applicants' attorney Stephen A. Gigot are available at the telephone number listed below.

Respectfully submitted,



Edward R. Lawson Jr.  
Reg. No. 41,931

Docket No. 66042-9291-03  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108  
(414) 271-6560